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204. But whether or not the legal title descends to the heir, there is no reason why the power of sale given the executors should not subsist for the benefit of the interests which do not fail, while convenience usually demands that it should. *Hatt v. Rich*, 59 N. J. Eq. 492.

WITNESSES — PRIVILEGED COMMUNICATIONS — ATTORNEY AND CLIENT: TESTATOR'S INSTRUCTIONS CONCERNING WILL. — A testator's first will was admitted to probate. His second will, not being found, was presumed to have been destroyed by him. The attorney's office copy of this second will was offered, to show that it revoked the first will. Held, that the testator's communications to his attorney are privileged, and the copy inadmissible. *Matter of Cunnion*, 135 N. Y. App. Div. 864.

To allow a man to obtain legal advice without fear of prejudicing his interests, the law protects confidential communications between attorney and client. *Greenough v. Gaskell*, 1 Myl. & K. 98; *Whiting v. Barney*, 30 N. Y. 330. In testamentary affairs, the death of the testator removes the reason for the protection and generally terminates the privilege. *Russell v. Jackson*, 9 Hare 387; *Doherty v. O'Callaghan*, 157 Mass. 90. See WIGMORE, EVIDENCE, § 2314. But the provision of the New York Code is very strict, making the privilege absolute unless expressly waived by the client at the trial. N. Y. CODE CIV. PROC. §§ 835, 836; *Loder v. Whelpley*, 111 N. Y. 239. Since a testator obviously cannot make such a waiver, this rule has led to injustice and has been judicially amended. Only communications intended, when made, to be confidential are privileged. *Matter of Smith*, 61 Hun (N. Y.) 101; *Matter of McCarthy*, 55 Hun (N. Y.) 7; *Whiting v. Barney*, *supra*. The privilege is waived when the attorney witnesses the will. *Matter of Coleman*, 111 N. Y. 220; *Matter of Sears*, 33 N. Y. Misc. 141. If the will is lost after the testator's death, public policy determines the privilege. *Sheridan v. Houghton*, 16 Hun (N. Y.) 628. The testator in the main case, by destroying the will, indicated that he desired the privilege to continue. If the purpose of the rule is to respect the client's wishes, and so insure freedom in his dealings with his attorney, the case must be supported.

BOOK REVIEWS.

A TREATISE ON THE LAW OF INSURANCE IN ALL ITS BRANCHES. By George Richards. Third Edition. Enlarged and Rewritten. New York: The Banks Law Publishing Company. 1909. pp. xxvii, 959.

The earlier editions of this book were prepared primarily for students. They contained about three hundred pages of treatise and about the same number of pages of reported cases, with an appendix of statutes and forms. The present edition contains a treatise of almost seven hundred pages, omits the cases, and devotes to statutes and forms an appendix of more than a hundred pages. The volume now appeals primarily to practitioners. Despite the absence of a table of cases, it is well adapted to be useful to its new audience, provided the reader has already had careful instruction in the subject discussed.

The author's own view is that of a practitioner. This is indicated here and there by comments which would be quite impossible for any lawyer to make who has not had much to do with insurance litigation. It is indicated also by careful descriptions of the mode in which the insurance business is carried on. The only shortcomings discovered in these descriptions are that the author does not explain the functions and powers of the various persons who are by the public indiscriminately termed insurance agents, and that he quite unintentionally gives the im-